

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CAREN BRITT,

Plaintiff

v.

S. RAY DERUSSE, VETERANS GROUP  
LIFE INSURANCE and THE PRUDENTIAL  
INSURANCE COMPANY OF AMERICA,

Defendants

CIVIL ACTION NO.

05 - 30197 - MAP

NOTICE OF REMOVAL TO  
UNITED STATES DISTRICT COURT

PURSUANT TO 28 U.S.C. § 1441 (A)

FILING FEE PAID:

RECEIPT # 306035  
AMOUNT \$ 250.00  
BY DPTY CLK WLT  
DATE 9/6/05

TO THE JUDGES OF THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS:

The Defendants, Veterans Group Life Insurance and The Prudential Insurance Company of America (hereinafter "Prudential" or the "Defendants"), pursuant to Section 1441 of Title 28 and 1331 of Title 28 of the United States Code and Rule 81.1 of the Local Rules, herewith files this Notice of Removal in the United States District Court for the District of Massachusetts from the Superior Court of the State of Massachusetts in and for Hampden County, and states the following in support of this Notice of Removal:

1. The Plaintiff, Caren Britt, filed an action against Prudential on or about August 17, 2005, in the Superior Court of the County Hampden.
2. On or about August 18, 2005, Plaintiff served Prudential with a copy of the Complaint via facsimile. See Facsimile from Plaintiff's Counsel dated August 18, 2005.
3. This Notice of Removal is filed in the United States District Court for the District of Massachusetts within the time allowed by law for removal of civil actions. The documents attached hereto as Exhibit "A" constitute all of the process and pleadings served upon Prudential by the Plaintiff to date.

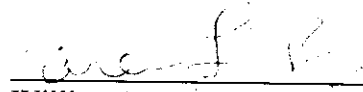
4. This action is removable to this Court pursuant to Section 1441(a) and (b) of Title 28 of the United States Code, because this Court has original jurisdiction under Section 1331 of Title 28 of the United States Code as this civil action arises under the Constitution, laws, or treaties of the United States.
5. In particular, the Plaintiff's claims regarding the proceeds of a life insurance policy issued by the Veterans' Group Life Insurance present federal questions because they raise express or implied causes of action under the Constitution, federal statute, or international treaty.
6. The following bodies of law support a finding that the complaint raises an express or implied cause of action under the Constitution, federal statute or international treaty: the Veterans' Insurance Act of 1974, May 24, 1974, P.L. 93-289, amended August 6, 1991, 38 U.S.C. §§ 1965 et seq.
7. This Notice of Removal is being filed within thirty (30) days of service and receipt of the Summons and Complaint in accordance with Section 1446(b) of Title 28 of the United States Code.
8. A notice of the filing of this Notice of Removal and a true copy of this Notice of Removal will be filed with the Clerk of the Superior Court of the Commonwealth of Massachusetts in and for Hampden County, as required by Section 1446(d) of Title 28 of the United States Code.
9. Pursuant to Local Rule 81.1(a) shall, within thirty (30) days after filing a notice for removal of the action from state court to this court, file certified or attested copies of all records and proceedings in the state court and a certified or attested copy of all docket entries in the state court. See LR 81.1(a).

WHEREFORE, Veterans Group Life Insurance and The Prudential Insurance Company of America, pray that the action currently pending in the Superior Court of the Commonwealth of Massachusetts in and for Hampden County be removed to the United States District Court for the District of Massachusetts.

Respectfully submitted,

VETERANS GROUP LIFE INSURANCE  
and THE PRUDENTIAL INSURANCE  
COMPANY OF AMERICA,

By Its Attorneys,

  
\_\_\_\_\_  
William T. Bogaert, BBO # 546321  
Carey L. Bertrand, BBO# 650496  
Wilson, Elser, Moskowitz,  
Edelman & Dicker, LLP  
155 Federal Street  
Boston, MA 02110  
(617) 422-5300

Dated: September 2, 2005

**CERTIFICATE OF SERVICE**

I, Carey L. Bertrand, do hereby certify that I have served a true copy of the foregoing document on counsel of record by first class mail, postage prepaid on this 2nd day of September 2005.

  
\_\_\_\_\_  
Carey Bertrand

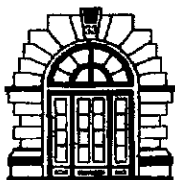
## EXHIBIT A

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**BACON & WILSON, P.C. MORSE & SACKS FAX COVER SHEET**

33 STATE STREET  
SPRINGFIELD, MA 01103  
FAX (413) 739-7740  
TELEPHONE (413) 781-0560

9 CHAPEL STREET  
WESTFIELD, MA 01085  
FAX (413) 562-0548  
TELEPHONE (413) 562-6811

31 TRUMBULL ROAD  
NORTHAMPTON, MA 01060  
FAX (413) 584-0453  
TELEPHONE (413) 584-1287

Date: 08/18/2005File Number: 99999.234

Please deliver the following pages including cover sheet to:

Name: Cynthia CastellCompany: Office of Servicemembers' Group Life InsuranceFax Number: 877/832-4943Phone Number: 1-800-419-1473From: Kate Glynn Assistant to Mark A TannerRE: Claim # 10610686

Message:

Cynthia,

Please accept for service of the attached documents. Please send this office a letter verifying that you have accepted service at your earliest convenience.

Please call with any questions or concerns.

Thank you.

If you do not receive all pages, please call as soon as possible:

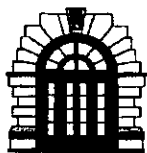
Phone number: (413) 584-1287 Extension: 608**CONFIDENTIALITY STATEMENT**

The document(s) accompanying this fax transmission may contain information that is Attorney-Client communication or may otherwise be privileged or confidential and exempt from disclosure under applicable law. It is intended solely for the use of the individual or entity to which it is addressed. If you are not the intended recipient, you are hereby notified that any use, disclosure, dissemination, or copying of the document(s) is prohibited by law. If you have received this fax in error, please notify us immediately at (413) 781-0560 so that we can arrange for the return of the document(s) to us at no cost to you.

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WILSON**

— P.C. —

**MORSE  
& SACKS**

ATTORNEYS AT LAW

31 TRUMBULL ROAD  
NORTHAMPTON, MA 01060-3036  
FAX (413) 584-0453  
PHONE (413) 584-1287

33 STATE STREET  
SPRINGFIELD, MA 01103-2003  
FAX (413) 739-7740  
PHONE (413) 781-0580

9 CHAPEL STREET  
WESTFIELD, MA 01085-3009  
FAX (413) 582-0548  
PHONE (413) 582-0611

MICHAEL S. RATNER  
PAUL R. SALVAGE  
GARY L. FIALKY  
MICHAEL B. KATZ  
PAUL H. ROTHSCHILD  
STEPHEN N. KREVALIN  
HYMAN G. DARLING  
MARK J. BEGLANE  
GARY G. BRETON  
MICHAEL J. COYNE  
KENNETH J. ALBANO  
RICHARD A. CORBERT  
ROBERT S. MURPHY, JR.  
PHILIP R. SMITH  
FRANCIS R. MIRKIN  
MICHELLE M. BEGLEY\*  
MARTIN C. DUNN\*  
JULIE A. DIALESSI-LAFLEY\*  
GINA M. BARRY\*  
DONNA L. WEXLER  
JUSTIN H. DION\*  
ADAM J. BASCH\*\*  
GIUSEPPE E. BELLAVITA  
BENJAMIN M. COYLE  
BRETT A. KAUFMAN  
TODD C. RATNER  
HARLEY M. SACKS\*\*  
MARK A. TANNER\*\*  
\*ADMITTED ALSO IN CT  
\*\*ADMITTED ALSO IN NY

OF COUNSEL  
ELIZABETH A. GINTER

RETIRED  
PHILIP C. SMITH  
JAMES M. SWEENEY

GEORGE A. BACON  
(1888-1946)  
PETER D. WILSON  
(1906-1989)  
JUSTIN COHEN  
(1913-1987)  
JAY A. GABRIEL  
(1990-2004)

www.bacon-wilson.com

August 18, 2005

**VIA FACSIMILE**

Cynthia Castell  
Servicemembers' Group Life Insurance  
290 West Mount Pleasant Avenue  
Livingston, NJ 07039

***RE: Caren Britt v. S. Ray DeRusse and Veterans Group Life Insurance and  
Prudential Insurance Company, Commonwealth of Massachusetts  
Hampden Superior Court Docket No.: 05-800***

Dear Cynthia:

Pursuant to our telephone conversation, attached please find the following documents in regard to the above referenced matter:

1. Summons
2. Order of Notice;
3. Civil Cover Sheet;
4. Verified Complaint;
5. Emergency Ex Parte Motion for Temporary Restraining Order and Preliminary Injunction;
6. Memorandum of Law in Support of Emergency Ex Parte Motion for Temporary Restraining Order and Preliminary Injunction;
7. Proposed Order;
8. Affidavit of Mark A. Tanner, Esq. in Support of Emergency Ex Parte Motion for Temporary Restraining Order and Preliminary Injunction;
9. Affidavit of Caren Britt in Support of Emergency Ex Parte Motion for Temporary Restraining Order and Preliminary Injunction;
10. Affidavit of Robert Britt in Support of Emergency Ex Parte Motion for Temporary Restraining Order and Preliminary Injunction; and
11. Order on Emergency Ex Parte Motion for Temporary Restraining Order and Preliminary Injunction.

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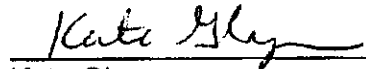
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Please provide this office with a letter indicating that you have accepted service of the aforementioned documents at your earliest convenience.

If you have any questions, please do not hesitate to contact this office. Thank you for your prompt attention to this matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Kate Glynn", written over a horizontal line.

Kate Glynn  
Assistant to Mark A. Tanner

KMG/hs  
99999.234  
402343

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TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED:  
 TORT - MOTOR VEHICLE TORT - CONTRACT - EQUITABLE RELIEF - OTHER

## COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss.

SUPERIOR COURT  
 DEPARTMENT OF THE TRIAL COURT  
 CIVIL ACTION  
 NO. 05-800

CAREN BRITT, PLAINTIFF(S)

V.

## SUMMONS

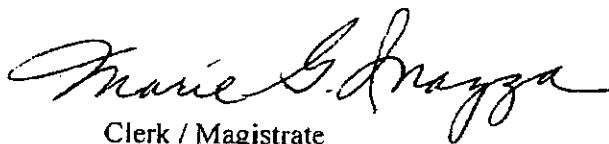
S. RAY DeRUSSE and  
 VETERANS GROUP LIFE INSURANCE and  
~~PRUDENTIAL INSURANCE COMPANY~~, DEFENDANT(S)  
 OF AMERICA

To the above named defendant:

You are hereby summoned and required to serve upon  
Mark A. Tanner, Esq. Bacon & Wilson, P.C. Morse & Sachs, Plaintiff's attorney, whose address is  
31 Trumbull Rd. Northampton, MA 01060, an answer to the complaint which is herewith served upon  
 you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do  
 so, judgment by default will be taken against you for the relief demanded in the complaint. You are also  
 required to file your answer to the complaint in the office of the Clerk of this court at Springfield either before  
 service upon the plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by rule 13(a), your answer must state as a counterclaim any claim which  
 you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter  
 of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, Barbara J. Rouse, Esq., at Springfield the 17th day of  
August in the year of our Lord two thousand five.



Clerk / Magistrate

## NOTES:

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all such defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

FORM No.1

NOTICE TO DEFENDANT -- You need not appear personally in court to answer the complaint, but if you claim to have a defense,  
 either you or your attorney must serve a copy of your written answer within 20 days as specified herein and also file the original in the  
 Clerk's office.



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## Commonwealth of Massachusetts

HAMPDEN ss.

SUPERIOR COURT  
DEPARTMENT OF THE TRIAL COURT  
CIVIL ACTION

No. 05-800

CAREN BRITT, Plaintiff(s)S. RAY DeRUSSE and VETERANS GROUP LIFE INSURANCE and  
PRUDENTIAL INSURANCE COMPANY OF AMERICA, Defendant(s)SUMMONS AND ORDER OF NOTICE

To the above-named Defendants:

You are hereby summoned and required to serve upon Mark A. Tanner, Esquire  
Bacon & Wilson, P.C./Morse & Sacks  
plaintiff's attorney, whose address is 31 Trumbull Road, Northampton, MA 01060

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Springfield either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

WE ALSO NOTIFY YOU that application has been made in said action, as appears in the Emergency Ex Parte Motion for Temporary Restraining Order and  
preliminary injunction and that a hearing upon such application will be held at the court house at said Springfield in the A session without jury of our said court on Thursday the 25th day of August A.D. 2005, at 2:00 o'clock p.m., at which you may appear and show cause why such application should not be granted.Witness, Barbara J. Rouse, Esquire, at Springfield the 16th day of August in the year of our Lord two thousand five.*Marie G. Mazza*  
- CLERK/MAGISTRATENOTES

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

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<b>CIVIL ACTION COVER SHEET</b>		DOCKET NO.(S)	<b>Trial Court of Massachusetts Superior Court Department</b> County: _____	
PLAINTIFF(S) <b>CAREN BRITT</b>		DEFENDANT(S) <b>S. RAY DeRUSSE and VETERANS GROUP LIFE INSURANCE and PRUDENTIAL INSURANCE COMPANY OF AMERICA</b>		
ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE <b>Mark A. Tanner, Esq. Bacon &amp; Wilson, P.C. Morse &amp; Sacks 31 Trumbull Rd. Northampton, MA Board of Bar Overseers number: (413) 584-1287</b>		ATTORNEY (If known)		
Origin code and track designation				
Place an x in one box only:				
<input checked="" type="checkbox"/> 1. F01 Original Complaint		<input type="checkbox"/> 4. F04 District Court Appeal c.231, s. 97 & 104 (After trial) (X)		
<input type="checkbox"/> 2. F02 Removal to Sup.Ct. C.231,s.104 (Before trial) (F)		<input type="checkbox"/> 5. F05 Reactivated after rescript; relief from judgment/Order (Mass.R.Civ.P. 60) (X)		
<input type="checkbox"/> 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X)		<input type="checkbox"/> 6. E10 Summary Process Appeal (X)		
TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)				
CODE NO.	TYPE OF ACTION (specify)	TRACK	IS THIS A JURY CASE?	
E99		( X )	( ) Yes ( ) No	
The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.				
TORT CLAIMS (Attach additional sheets as necessary)				
A. Documented medical expenses to date:				
1. Total hospital expenses .....				\$ .....
2. Total Doctor expenses .....				\$ .....
3. Total chiropractic expenses .....				\$ .....
4. Total physical therapy expenses .....				\$ .....
5. Total other expenses (describe) .....				\$ .....
Subtotal				\$ .....
B. Documented lost wages and compensation to date .....				
C. Documented property damages to date .....				
D. Reasonably anticipated future medical and hospital expenses .....				
E. Reasonably anticipated lost wages .....				
F. Other documented items of damages (describe) .....				
\$ .....				
G. Brief description of plaintiff's injury, including nature and extent of injury (describe)				
\$ .....				
<b>TOTAL \$ .....</b>				
CONTRACT CLAIMS (Attach additional sheets as necessary)				
Provide a detailed description of claim(s):				
TOTAL \$ .....				
PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT				
"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."				
Signature of Attorney of Record <i>Mark A. Tanner</i>				DATE: <i>8/17/05</i>

**COMMONWEALTH OF MASSACHUSETTS****HAMPDEN, SS.****SUPERIOR COURT DEPT.  
OF THE TRIAL COURT  
Civil Action No.****CAREN BRITT,  
Plaintiff****v.****S. RAY DeRUSSE and  
VETERANS GROUP LIFE INSURANCE  
and  
PRUDENTIAL INSURANCE  
COMPANY OF AMERICA,  
Defendants****VERIFIED COMPLAINT****INTRODUCTION**

The Plaintiff brings this civil action, to determine the rightful owner of the proceeds of a life insurance policy on the life of Mr. Ronald H. Stewart (deceased) issued by Veterans Group Life Insurance.

**PARTIES**

1. Caren Britt is a natural person with a residential address of 36 Clayton Drive, West Springfield, Massachusetts.
2. S. Ray DeRusse is a natural person with a residential address of 2917 Lipscomb Street, Fort Worth, Texas 76110-3557.
3. Veterans Group Life Insurance/Servicemen's and Veterans Group Life Insurance (hereinafter "VGLI") is a life insurance company with an address of 213 Washington Street, Newark, New Jersey.

BACON & WILSON, P.C.  
ATTORNEYS AT LAW  
13 STATE STREET  
SPRINGFIELD, MA 01103  
PHONE (413) 781-0560  
FAX (413) 739-7740

3 CHAPEL STREET  
SPRINGFIELD, MA 01103  
PHONE (413) 562-2807  
FAX (413) 562-7569

1 TRUMBULL ROAD  
HAMPTON, MA 01026  
PHONE (413) 584-1227  
FAX (413) 584-0453

4. The Prudential Insurance Company of America is a New Jersey Corporation authorized to sell life insurance and annuities in all states, with a business address of 751 Broad Street, Newark, New Jersey.

#### FACTS

5. Ronald H. Stewart died on or about May 18, 2005 in Springfield, Hampden County, Massachusetts. See Attachment A, attached hereto and incorporated herein.
6. Prior to his retirement Ronald H. Stewart served in the United States Navy.
7. During his service in the United States Navy, Mr. Stewart obtained a Veterans Group Life Insurance Policy Numbered 026-40-4232.
8. Prior to his death Mr. Stewart resided with his sister, Caren Britt and her family, at 36 Clayton Drive, West Springfield, Massachusetts.
9. Caren Britt, is the sister of Ronald H. Stewart.
10. Based upon information and belief, S. Ray DeRusse is the former partner of Ronald H. Stewart.
11. On or about the year 1996 S. Ray DeRusse and Ronald H. Stewart ceased their relationship.
12. Based upon information and belief, the relationship between S. Ray DeRusse and Ronald H. Stewart was abusive, and that Mr. Stewart suffered bodily injury at the hands of Mr. DeRusse.
13. On or about October 28, 2000 Ronald H. Stewart named Caren Britt as the 100% beneficiary of his service member's retirement benefits. See Attachment B, attached hereto and incorporated herein.

IN & WILSON, P.C.  
TORREYS AT LAW  
3 STATE STREET  
SPRINGFIELD, MA 01103  
PHONE (413) 781-0560  
FAX (413) 739-7740

1 CHAPEL STREET  
SPRINGFIELD, MA 01108  
PHONE (413) 562-8607  
FAX (413) 562-7589

1 TRUMBULL ROAD  
HAMPTON, MA 01080  
PHONE (413) 564-1267  
FAX (413) 564-0453

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14. During his lifetime Mr. Stewart verbally informed Ms. Britt that she was the sole beneficiary of his life insurance policy.
15. During his lifetime Mr. Stewart verbally informed his stepson Glen Wilson that Ms. Britt was the sole beneficiary of his VGLI life insurance policy.
16. During his lifetime Mr. Stewart verbally informed other members of his family that Ms. Britt was the sole beneficiary of his VGLI life insurance policy.
17. On or about June 2, 2005, Ms. Britt telephoned the offices of VGLI with regard to Mr. Stewart's life insurance benefits and was informed that she was the designated beneficiary.
18. Based upon the June 2, 2005 telephone call, Ms. Britt submitted an application for payment of benefits under the VGLI life insurance policy.
19. Approximately five weeks after her submission for payment of benefits, Ms. Britt telephoned VGLI and was informed that she was not the named beneficiary.
20. Based upon information and belief S. Ray DeRusse is the named beneficiary.
21. Despite numerous requests VGLI will not release the name of the beneficiary, and instructed Ms. Britt to seek injunctive relief to resolve this matter.

#### First Claim for Relief

#### Declaratory Judgment

1. The Plaintiffs hereby re-allege and incorporate by reference Paragraphs 1.

DN & WILSON, P.C.  
TORREYS AT LAW  
3 STATE STREET  
INGFIELD, MA 01003  
PHONE (413) 781-0560  
FX (413) 730-7740

3 CHAPEL STREET  
STFIELD, MA 01085  
PHONE (413) 562-9607  
FX (413) 562-7589

1 TRUMBULL ROAD  
HAMPTON, MA 01060  
PHONE (413) 564-1267  
FX (413) 564-0452

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through 21. above, as though fully set forth herein.

2. There exists between the parties to this action an actual justifiable controversy regarding the rightful beneficiary of the aforementioned life insurance policy.

**WHEREFORE**, the Plaintiffs pray that this Honorable Court:

1. Adjudicate the adverse claims to the VGLI Insurance Policy Numbered 026-40-4232;
2. Award the Plaintiff, Caren Britt, the costs incurred in bringing this action; and
3. Grant such other and further relief as this Honorable Court may determine is just and proper.

BACON & WILSON, P.C.  
ATTORNEYS AT LAW  
13 STATE STREET  
SPRINGFIELD, MA 01103  
PHONE (413) 781-0560  
FAX (413) 739-7740

3 CHAPEL STREET  
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FAX (413) 562-7588

1 TRUMBULL ROAD  
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PHONE (413) 564-1267  
FAX (413) 564-0453

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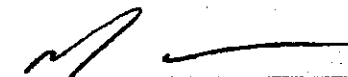
**VERIFICATION**

Caren Britt, being duly sworn, states that that she has read the above Complaint and the attached documents, and that the facts stated therein are to her knowledge true.

  
CAREN BRITT

Respectfully Submitted for the Plaintiff,

8-15-05  
Date

  
Mark A. Tanner, Esq.  
Bacon & Wilson, P.C./Morse & Sacks  
31 Trumbull Road  
Northampton, MA 01060  
Telephone: (413) 584-1287  
BBO No. 649532

BACON & WILSON, P.C.  
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FAX (413) 584-0560

3 CHAPEL STREET  
SOUTHAMPTON, MA 01060  
PHONE (413) 584-9607  
FAX (413) 584-7500

31 TRUMBULL ROAD  
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PHONE (413) 584-1287  
FAX (413) 584-0453

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INSTRUCTIONS ON REVERSE SIDE)

FOR USE BY

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MEDICAL EXAMINERSFOR USE  
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Incement of Death  
R-302) on File: ☐IMANENT  
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## The Commonwealth of Massachusetts

STANDARD CERTIFICATE OF DEATH  
REGISTRY OF VITAL RECORDS AND STATISTICS

DECEDENT

INFORMANT

DISPOSITION

CERTIFIER

DECEDENT - NAME		FIRST		MIDDLE		LAST		REGISTERED NUMBER	STATE USE ONLY	
Ronald		Hamilton		Stewart		M		May 18, 2005		
PLACE OF DEATH (City/Town)		COUNTY OF DEATH		HOSPITAL OR OTHER INSTITUTION - Name (If not in other, give street and number)						
Springfield		Hampden		Baystate Medical Center						
PLACE OF DEATH (Check only one):		OTHER		SOCIAL SECURITY NUMBER		IF US WAR VETERAN SPECIFY WAR				
<input type="checkbox"/> Hospital <input checked="" type="checkbox"/> Other <input type="checkbox"/> DCA <input type="checkbox"/> Other (Specify)		026-40-4232		Vietnam						
WAS DECEDENT OF HISPANIC ORIGIN?		RACE (e.g. White, Black, American Indian, etc.)		DECEDENT'S EDUCATION (Highest Grade Completed)						
<input type="checkbox"/> No <input type="checkbox"/> Yes		White		12						
AGE - Last Birthday		DATE OF BIRTH (Mo., Day, Yr.)		BIRTHPLACE (City and State or Foreign Country)						
56		Feb 10, 1949		Birkenhead, England						
MARRIED, NEVER MARRIED, WIDOWED OR DIVORCED		LAST SPOUSE (If wife, give maiden name)		USUAL OCCUPATION (If retired, give former)		KIND OF BUSINESS OR INDUSTRY				
Divorced		Nisha Unknown		Documents Manager		Pharmaceutical				
RESIDENCE - No. & St., CITY/TOWN, COUNTY, STATE/COUNTRY		FATHER - FULL NAME		STATE OF BIRTH (If not in the U.S., name country)		MOTHER - NAME (If not in the U.S., name country)		STATE OF BIRTH (If not in the U.S., name country)		
36 Clayton Drive West Springfield Hampden Massachusetts		James Stewart		England		Marilyn Stewart		England		
INFORMANTS - Name		MAILING ADDRESS - No. & St., CITY/TOWN, STATE, ZIP CODE		RELATIONSHIP						
Caren Britz		36 Clayton Dr West Springfield MA		Sister						
METHOD OF IMMEDIATE DISPOSITION		FUNERAL SERVICE LICENSEE OR OTHER DESIGNEE		LICENSE #						
<input type="checkbox"/> Burial <input checked="" type="checkbox"/> Cremation <input type="checkbox"/> Removal from State <input type="checkbox"/> Other, Spec.		Joseph J. Nowak		5957						
PLACE OF DISPOSITION (Name of Cemetery, Crematory or other)		LOCATION (City/Town, State)								
Springfield Crematory		Springfield Massachusetts								
DATE OF DISPOSITION (Mo., Day, Yr.)		NAME AND ADDRESS OF FACILITY OR OTHER DESIGNEE								
May 23, 2005		Nowak Funeral and Cremation Services 15 Ludlow Ave Spfld MA								
PART I - Enter the disease, injuries, or complications that caused the death. Do not use only the mode of dying, such as cardiac or respiratory arrest, shock or heart failure. List only one cause on each line (a through d) PRINT OR TYPE LEGIBLY.		APPROXIMATE INTERVAL BETWEEN ONSET AND DEATH								
IMMEDIATE CAUSE (Final disease or condition resulting in death)		DUE TO (OR AS A CONSEQUENCE OF)		DUE TO (OR AS A CONSEQUENCE OF)		DUE TO (OR AS A CONSEQUENCE OF)		DUE TO (OR AS A CONSEQUENCE OF)		
Cardiopulmonary Arrest		hours		Coronary Artery Disease		years				
Sequentially list conditions, if any, leading to immediate cause. Enter UNDERLYING CAUSE (disease or injury that initiated events resulting in death) LAST										
PART II - Other significant conditions contributing to death but not resulting in underlying cause given in Part I.		WAS AUTOPSY PERFORMED? (Yes or No)		WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? (Yes or No)						
30. MED. EXAM. NOTIFIED? (Yes or No)		31. MANNER OF DEATH		32. DATE OF INJURY (Mo., Day, Yr.)		33. TIME OF INJURY		34. INJURY AT WORK (Yes or No)		
YES		NATURAL <input checked="" type="checkbox"/> HOMICIDE <input type="checkbox"/> COULD NOT BE DETERMINED <input type="checkbox"/>								
35. DESCRIBE HOW INJURY OCCURRED		36. PLACE OF INJURY (At home, farm, street, school, other place, etc.) Specify		37. LOCATION (No. & St., City/Town, State)						
38. To the best of my knowledge, death occurred at the time, date, and place and due to the cause(s) stated.		39. On the basis of examination and/or investigation in my opinion death occurred at the time, date, and place and due to the cause(s) stated.								
(Signature and Title)		(Signature and Title)								
DATE SIGNED (Mo., Day, Yr.)		HOUR OF DEATH		DATE SIGNED (Mo., Day, Yr.)		HOUR OF DEATH				
May 18, 2005		10:11								
NAME OF ATTENDING PHYSICIAN IF NOT CERTIFIER		37b. PRONOUNCED DEAD (Mo., Day, Yr.)		37c. PRONOUNCED DEAD (Hr.)						
Susan Torrey MD										
NAME AND ADDRESS OF CERTIFYING PHYSICIAN OR MEDICAL EXAMINER (Type or Print)		37d. LICENSE NO. OF CERTIFIER		37e. TITLE						
Jay Ishida MD 759 Chestnut Street Springfield, MA 01099		214703								
38. WAS THERE A PRONOUNCEMENT FORM? (Yes or No)		39. IF YES, DATE PRONOUNCED		40. IF YES, TIME PRONOUNCED		41. NAME OF PRONOUNCER				
NO										
DATE SURVIVAL PERMIT ISSUED		RECEIVED IN THE CITY/TOWN OF SPRINGFIELD		CLERK'S SIGNATURE		DATE OF RECORD				
May 20, 2005				L. Chene		MAY 24 2005				
Admin. Assistant										

City of Springfield, Mass., May 25, 2005

I, Barry Bryson and Shirley that I am the Assistant City Clerk of the City of Springfield, Commonwealth of Massachusetts. That the records of births, marriages and deaths in said City are in my custody, and that the foregoing is a true copy of the return of a death on file in the office of the City Clerk of said Springfield.

Witness my hand and the seal of the said City of Springfield, May 25, 2005

Attest:

Mary C. Proulx  
Assistant City Clerk of Springfield, Mass.

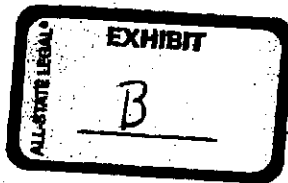




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RETIRED MEMBER'S NAME <b>RONALD HAMILTON STEWART</b>		RETIRED MEMBER'S SSN <b>026 40 4232</b>	
TYPE OF ACTION: (CHECK ONE)		<input type="checkbox"/> LEGAL ORDER OF PRECEDENCE <input checked="" type="checkbox"/> DESIGNATION OF BENEFICIARIES	
SHARE	FULL NAME: <b>CAREN BRITT</b> SSN: <b>010 50481</b> RELATIONSHIP: <b>SISTER</b> ADDRESS: <b>36 CLAYTON DRIVE W SPHd MASS 011</b>		
100 %			
SHARE	FULL NAME: _____ SSN: _____ RELATIONSHIP: _____ ADDRESS: _____		
%			
SHARE	FULL NAME: _____ SSN: _____ RELATIONSHIP: _____ ADDRESS: _____		
%			
RETIRED MEMBER SIGNATURE <i>Ronald H Stewart</i>		DATE OF SIGNATURE <b>10-28-05</b>	
WITNESS SIGNATURE (other than designated beneficiary/Order of Precedence Person) <i>Brian Britt</i>			
WITNESS STREET ADDRESS <b>20721 Crystalhill Cir</b>		WITNESS CITY, STATE, ZIP CODE <b>Gaithersburg MD, 20878</b>	

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## COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, SS.

SUPERIOR COURT DEPT.  
OF THE TRIAL COURT  
Civil Action No.CAREN BRITT,  
Plaintiff

v.

S. RAY DeRUSSE and  
VETERANS GROUP LIFE INSURANCE)  
and  
PRUDENTIAL INSURANCE  
COMPANY OF AMERICA,  
DefendantsEmergency *Ex Parte* Motion for  
Temporary Restraining Order  
and Preliminary Injunction

Now comes Caren Britt, Plaintiff in the above-captioned matter, and hereby moves this Honorable Court to issue a preliminary injunction, pursuant to Mass.R.Civ.P. 65, prohibiting and enjoining the Defendants, from paying the proceeds of a certain life insurance policy named in the Verified Complaint during the pendency of the present action.

In further support of this motion, please see the Verified Complaint of the Plaintiff, the Affidavit of Caren Britt, the Affidavit of Mark A. Tanner, Esq., as well as the Memorandum of Law in support hereof, all of which documents are attached hereto and made a part hereof. A proposed Order is also submitted herewith.

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**WHEREFORE**, the Plaintiff respectfully requests that this Court issue a temporary restraining order and preliminary injunction, as set forth on the attached proposed Order.

Respectfully Submitted for  
The Plaintiff

8-15-05  
Date

Mark A. Tanner  
Mark A. Tanner  
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## COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, SS.

SUPERIOR COURT DEPT.  
OF THE TRIAL COURT  
Civil Action No.CAREN BRITT,  
Plaintiff

v.

S. RAY DeRUSSE and  
VETERANS GROUP LIFE INSURANCE)  
and  
PRUDENTIAL INSURANCE  
COMPANY OF AMERICA,  
DefendantsMemorandum of Law in Support  
of Emergency *Ex Parte* Motion for  
Temporary Restraining Order and  
Preliminary Injunction

This is an action on a declaratory judgment to determine the rights of the named parties to a certain life insurance policy.

**STATEMENT OF FACTS**

The Plaintiff relies on the statement of facts set forth in the verified complaint which is incorporated herein by reference.

**ARGUMENT**

In order to succeed in a motion for preliminary injunction, a party must establish:

1. A likelihood of success on the merits;
2. That he will suffer irreparable harm in the absence of injunctive relief; and
3. That the balance of the irreparable harm weighs in his favor.

See, Hull Municipal Lighting Plant v. Massachusetts Municipal Wholesale Electric Co.,

399 Mass. 640, 648 (1987); Brookline v. Goldstein, 388 Mass. 443, 447 (1983); Packaging

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Industries Group, Inc. v. Cheney, 380 Mass. 609, 617 (1980).

In the Packaging Industries Group case, the Supreme Judicial Court declared that the trial Judge must initially look at the combination of the moving party's claim for injury and his chances for success on the merits. If the Court is convinced that the moving party would be subjected to irreparable harm without an injunction, and that there is a likelihood of success for the moving party, then the Court balances the moving party's risk of irreparable harm against any similar risk of irreparable harm which granting the injunction might create for the opposing party.

As will be fully demonstrated below, the Plaintiff's request for the preliminary injunction satisfies each of the requisite criteria. Also, when the balancing is done, the Court should find that the Plaintiff is entitled to the requested injunction because little, if any, irreparable harm would be incurred by the Defendants as a result of the requested injunction.

**I. Plaintiffs Have a Substantial Likelihood of Success on the Merits.**

The Plaintiffs can show by clear, testimonial evidence that Mr. Stewart intended, and believed Mrs. Britt was the beneficiary of his VGLI insurance policy and other service-related benefits. This is demonstrated not only by the statements he made during his lifetime, but also by the fact that he filled out certain forms changing his beneficiaries. Further, given the volatile end to the relationship between Mr. Stewart and Mr. DeRusse, it is unlikely that Mr. Stewart intended him to benefit in any manner from his death.

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**II. Without a preliminary injunction, the Plaintiff will suffer irreparable harm.**

Without the injunction, irreparable harm will result to the Plaintiff, including, but not limited to:

- A. The payment of the proceeds of Mr. Stewart's life insurance policy to an individual Mr. Stewart did not intend to benefit at the time of his death.
- B. The possibility that once such funds are paid, the ability of the Plaintiff to recover such funds will dissipate, as the cash proceeds are easily spent and/or converted.

**III. A balance of harms clearly weighs in the Plaintiff's favor.**

Where, as in the case at bar, the Plaintiff has demonstrated that the failure to issue the injunction would result in substantial risk of irreparable harm, and he has demonstrated a likelihood of success on the merits, the Court must balance the risk of irreparable harm to the Plaintiff against any similar risk which granting the injunction would create for the opposing party. See, Packaging Industries Group, 380 Mass. at 617.

In this instant case, no irreparable harm will occur to the Defendants should the Plaintiff's request for injunctive relief be allowed; since the proceeds of the life insurance policy at issue will not be paid to any individual or entity, rather they will be held until such time as this court is able to make a full and final determination of this matter.

**CONCLUSION**

For the foregoing reasons, the preliminary injunction should issue, preventing the Defendants, during the pendency of this action, from dispersing the proceeds of the life insurance at issue to any individual or entity.

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Respectfully Submitted the Plaintiff  
By Her Attorney,

8-15-05  
Date

  
Mark A. Tanner  
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MORSE & SACKS  
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## COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, SS.

SUPERIOR COURT DEPT.  
OF THE TRIAL COURT  
Civil Action No.CAREN BRITT,  
Plaintiff

v.

S. RAY DeRUSSE and  
VETERANS GROUP LIFE INSURANCE)  
and  
PRUDENTIAL INSURANCE  
COMPANY OF AMERICA,  
Defendants

ORDER OF THE COURT

Upon motion, and after notice and hearing, the Court finds and rules that the Plaintiff has demonstrated that:

1. Without the relief hereby granted, she would suffer irreparable harm which is not capable of remediation by final judgment in law; and
2. There is a likelihood that she will prevail on the merits of this action at trial.

The Court finds and rules further that the above factors outweigh the probable harm to and the likelihood of prevailing on the merits by, the Defendants.

Accordingly, it is so ordered that UNTIL FURTHER ORDER OF THE COURT:

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3. The Defendants are forthwith enjoined from making claim or disbursing the proceeds on any VGLI Insurance Policy originally issued to Ronald H. Stewart, including, but not limited to, Insurance Policy Number 026-40-4232.

**SO ORDERED.**

Date

\_\_\_\_\_, J.

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## COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, SS.

SUPERIOR COURT DEPT.  
OF THE TRIAL COURT  
Civil Action No.CAREN BRITT,  
Plaintiff

v.

S. RAY DeRUSSE and  
VETERANS GROUP LIFE INSURANCE)  
and  
PRUDENTIAL INSURANCE  
COMPANY OF AMERICA,  
DefendantsAffidavit of Mark A. Tanner in  
Support of Emergency *Ex Parte*  
Temporary Restraining Order  
Preliminary Injunction

Now comes Mark A. Tanner and, making this affidavit under the penalties of perjury, states that the allegations made below are true of his own knowledge, information and belief and, so far as the facts are stated to be upon information and belief, he believes such information to be true.

1. My name is Mark A. Tanner. I am an attorney at Bacon & Wilson, P.C./Morse & Sacks in Northampton, Massachusetts.
2. I am licensed to practice law in the State of New York and the Commonwealth of Massachusetts.
3. I have had numerous telephone conversations with representatives of Veterans Group Life Insurance (VGLI).
4. I have asked these representatives whether competing claims have been filed for the insurance death benefits of Mr. Stewart.

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5. I have been informed by representatives of VGLI that they cannot provide me with information regarding the name of the beneficiary of Mr. Stewart's benefits, or whether claims have been made for such benefits.
6. I have been further informed by such representatives that they would not release such information without a court order, and that they would not withhold payment of such death benefits absent a court order.
7. The named defendants in this action are not physically located in the Commonwealth and will take some time to serve.

Signed this 15<sup>th</sup> Day of August 2005.

  
Mark A. Tanner, Esq.

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## COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, SS.

SUPERIOR COURT DEPT.  
OF THE TRIAL COURT  
Civil Action No.CAREN BRITT,  
Plaintiff

v.

S. RAY DeRUSSE and  
VETERANS GROUP LIFE INSURANCE)  
and  
PRUDENTIAL INSURANCE  
COMPANY OF AMERICA,  
DefendantsAffidavit of Caren Britt in  
Support of Emergency *Ex Parte*  
Temporary Restraining Order and  
Preliminary Injunction

Now comes Caren Britt and, making this affidavit under the penalties of perjury, states that the allegations made below are true of her own knowledge, information and belief and, so far as the facts are stated to be upon information and belief, she believes such information to be true.

1. My name is Caren Britt.
2. I reside at 36 Clayton Drive, West Springfield, Massachusetts.
3. My brother Ronald H. Stewart died on or about May 18, 2005 in  
Springfield, Hampden County, Massachusetts.
4. Prior to his retirement, Ronald H. Stewart served in the United States Navy.
5. During such service in the United States Navy, Mr. Stewart obtained a  
Veterans Group Life Insurance Policy Numbered 026-40-4232.

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6. Prior to his death, Mr. Stewart resided with my family and me at 36 Clayton Drive, West Springfield, Massachusetts.
7. Based upon information and belief, S. Ray DeRusse is the former partner of Ronald H. Stewart.
8. On or about the year of 1996 S. Ray DeRusse and my brother ceased their relationship.
9. Based upon information and belief, the relationship between S. Ray DeRusse and my brother was abusive and that Mr. Stewart suffered bodily injury at the hands of Mr. DeRusse.
10. On or about October 28, 2000 my brother named me as the 100% beneficiary of his service member's retirement benefits.
11. Since 2004, the Defense Finance and Accounting Agency mailed me a monthly check representing my brother's retirement.
12. During the time he lived with my family and me, my brother, on numerous occasions, informed me that I was the sole beneficiary of his life insurance policy and that he intended me to have the proceeds of the policy.
13. Based upon information and belief, during his lifetime my brother verbally informed his stepson Glen Wilson that I was the sole beneficiary of his VGLI life insurance policy. I have had conversations with Mr. Wilson in this regard.
14. During his lifetime Mr. Stewart verbally informed other members of his family that I was the sole beneficiary of his VGLI life insurance policy.

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BACON WILSON ÉÉÉÉÉ É

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15. On or about June 2, 2005, I telephoned the offices of VGLI with regard to my brother's life insurance benefits and was informed that I was the designated beneficiary.
16. Based upon this telephone call, I submitted an application for payment of benefits under the VGLI Life Insurance Policy.
17. Approximately five weeks after my submission for payment of benefits, I telephoned VGLI and was informed that I was not the named beneficiary.
18. I believe S. Ray DeRusse is the named beneficiary.
19. Despite numerous requests VGLI will not release the name of the beneficiary, and instructed me to seek injunctive relief to resolve this matter or they would release payment to the "named" beneficiary.

Signed this 15<sup>th</sup> day of August 2005.

  
Caren Britt

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## COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, SS.

SUPERIOR COURT DEPT.  
OF THE TRIAL COURT  
Civil Action No.CAREN BRITT,  
Plaintiff

v.

S. RAY DeRUSSE and  
VETERANS GROUP LIFE INSURANCE  
and  
PRUDENTIAL INSURANCE  
COMPANY OF AMERICA,  
DefendantsAffidavit of Robert Britt in  
Support of Emergency *Ex Parte*  
Temporary Restraining Order and  
Preliminary Injunction

1. My name is Robert Britt.
2. I reside at 36 Clayton Drive, West Springfield, Massachusetts.
3. My brother in Law Ronald H. Stewart died on or about May 18, 2005 in Springfield, Hampden County, Massachusetts.
4. Prior to his death Ron lived with us for some period of time.
5. During this time Ron never spoke of Mr. DeRusse, although we knew they had previously been in a relationship.

Signed this 15<sup>th</sup> day of August 2005.
  
 Robert Britt

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BACON WILSON ÉÉÉÉÉ É

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## COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, SS.

SUPERIOR COURT DEPT.  
OF THE TRIAL COURT  
HAMPDEN COUNTY  
SUPERIOR COURT Civil Action No. 05-800  
**FILED**

CAREN BRITT,  
Plaintiff

AUG 16 2005

v.

CLERK-MAGISTRATE

S. RAY DeRUSSE and  
VETERANS GROUP LIFE INSURANCE)  
and  
PRUDENTIAL INSURANCE  
COMPANY OF AMERICA,  
Defendants

Emergency Ex Parte Motion for  
Temporary Restraining Order  
and Preliminary Injunction

Now comes Caren Britt, Plaintiff in the above-captioned matter, and hereby moves this Honorable Court to issue a preliminary injunction, pursuant to Mass.R.Civ.P. 65, prohibiting and enjoining the Defendants, from paying the proceeds of a certain life insurance policy named in the Verified Complaint during the pendency of the present action.

In further support of this motion, please see the Verified Complaint of the Plaintiff, the Affidavit of Caren Britt, the Affidavit of Mark A. Tanner, Esq., as well as the Memorandum of Law in support hereof, all of which documents are attached hereto and made a part hereof. A proposed Order is also submitted herewith.

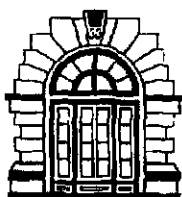
BACON & WILSON, P.C.  
ATTORNEYS AT LAW  
33 STATE STREET  
SPRINGFIELD, MA 01103  
TELEPHONE (413) 781-0560  
FAX (413) 738-7740

9 CHAPEL STREET  
WESTFIELD, MA 01085  
TELEPHONE (413) 562-9607  
FAX (413) 562-7559

31 TRUMBULL ROAD  
NORTHAMPTON, MA 01060  
TELEPHONE (413) 584-1287  
FAX (413) 584-0453

*Can't do business  
to make a TRV.  
Order of Notice may  
be used for hearing  
on Ex parte application.  
C. W. Wilson  
8/16/05*





# BACON & WILSON, P.C. MORSE & SACKS FAX COVER SHEET

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SPRINGFIELD, MA 01103  
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TELEPHONE (413) 562-6611

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NORTHAMPTON, MA 01060  
FAX (413) 584-0453  
TELEPHONE (413) 584-1287

Date: 08/17/2005

File Number: 99999.234

Please deliver the following 2 pages including cover sheet to:

Name: Claims Examiner – Veterans Group Life Insurance

Company: BACON & WILSON, P.C. Morse & Sacks

Fax Number: 877/832-4943

Phone Number:

From: Mark A Tanner

RE: Claim # 10610686

Message:

Please see the attached letter of representation.  
Please contact this office with any questions or concerns.

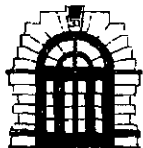
Thank you.

If you do not receive all pages, please call as soon as possible:

Phone number: (413) 584-1287 Extension: 608

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— P.C. —

**MORSE  
& SACKS**

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FAX (413) 739-7740  
PHONE (413) 781-05609 CHAPEL STREET  
WESTFIELD, MA 01085-3009  
FAX (413) 562-0548  
PHONE (413) 562-6611MICHAEL S. RATNER  
PAUL R. SALVAGE  
GARY L. FIALKY  
MICHAEL B. KATZ  
PAUL H. ROTHSCCHILD  
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TODD C. RATNER  
HARLEY M. SACKS\*\*  
MARK A. TANNER\*\*  
\*ADMITTED ALSO IN CT  
\*\*ADMITTED ALSO IN NYOF COUNSEL  
ELIZABETH A. GINTERRETIRED  
PHILIP C. SMITH  
JAMES M. SWEENEYGEORGE A. BACON  
(1869-1945)  
PETER D. WILSON  
(1908-1989)  
JUSTIN COHEN  
(1913-1987)  
JAY A. GABRIEL  
(1980-2004)

www.bacon-wilson.com

August 17, 2005

VIA FAX  
Claims Examiner  
Veterans Group Life Insurance**RE: Claim Number: 10618686**

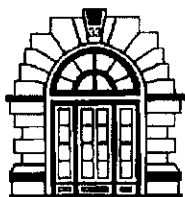
Dear Claims Examiner:

Please be advised that we represent Caren Britt with regard to a life insurance policy on Ronald Hamilton Stewart, SS# [REDACTED] 4232. Attached please find a copy of the Complaint filed in Hampden County Massachusetts Superior Court Docket No.: 05-800 regarding same. Please fax the information regarding to whom service should be made and any other pertinent information needed to make service and provide you proper notice.

Please feel free to contact this office with any questions or concerns.

Very truly yours,

  
Mark A. TannerMAT/kmg  
99999.234  
402290



## BACON & WILSON, P.C. MORSE & SACKS FAX COVER SHEET

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31 TRUMBULL ROAD  
NORTHAMPTON, MA 01060  
FAX (413) 584-0453  
TELEPHONE (413) 584-1287

Date: 08/17/2005

File Number: 99999.234

Please deliver the following pages including cover sheet to:

Name: Claims Examiner – Veterans Group Life Insurance

Company: BACON & WILSON, P.C. Morse & Sacks

Fax Number: 877/832-4943

Phone Number: \_\_\_\_\_

From: Mark A Tanner

RE: Claim # 10610686

Message:

Please see the attached letter of representation and copy of Complaint.  
Please contact this office with any questions or concerns.

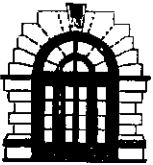
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Phone number: (413) 584-1287 Extension: 608

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**BACON &  
WILSON**

— PC. —

**MORSE  
& SACKS**

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JAY A. GABRIEL  
(1960-2004)

[www.bacon-wilson.com](http://www.bacon-wilson.com)

August 17, 2005

VIA FAX  
Claims Examiner  
Veterans Group Life Insurance

**RE: Claim Number: 10618686**

Dear Claims Examiner:

Please be advised that we represent Caren Britt with regard to a life insurance policy on Ronald Hamilton Stewart, SS# [REDACTED]-4232. Attached please find a copy of the Complaint filed in Hampden County Massachusetts Superior Court Docket No.: 05-800 regarding same. Please fax the information regarding to whom service should be made and any other pertinent information needed to make service and provide you proper notice.

Please feel free to contact this office with any questions or concerns.

Very truly yours,

  
Mark A. Tanner

MAT/kmg  
99999.234  
402290

JS 44 (Rev. 11/04)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

Caren Britt

**DEFENDANTS**

S. Ray Derusse, Veterans Group Life Insurance and The Prudential Insurance Company of America

(b) County of Residence of First Listed Plaintiff Hampden

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

**05-30197-MAP**

Attorney (If Known)

William T. Bogaert &amp; Carey L. Bertrand, Wilson, Elser, Moskowitz, Edelman &amp; Dicker, 155 Federal Street, Boston, MA 02110

(c) Attorney's (Firm Name, Address, and Telephone Number)

Mark A. Tanner, Esq, Bacon & Wilson, P.C./Morse & Sacks  
31 Trumbull Road, Northampton, MA 01060 (413) 584-1287**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☐ 1 PTF ☐ 1 DEF
- Citizen of Another State ☐ 2 PTF ☐ 2 DEF
- Citizen or Subject of a Foreign Country ☐ 3 PTF ☐ 3 DEF
- Incorporated or Principal Place of Business In This State ☐ 4 PTF ☐ 4 DEF
- Incorporated and Principal Place of Business In Another State ☐ 5 PTF ☐ 5 DEF
- Foreign Nation ☐ 6 PTF ☐ 6 DEF

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTE
<input checked="" type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influence and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))				
<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609				

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

38 U.S.C. § 1965 et seq.

Brief description of cause:  
Dispute over proceeds of Veteran's life insurance policy.**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

9/2/05

SIGNATURE OF ATTORNEY OF RECORD

*Casey L. Bertrand*

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS1. Title of case (name of first party on each side only) Britt v. DeRusse et al.

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

- ☒ I. 160, 410, 470, 535, R.23, REGARDLESS OF NATURE OF SUIT.
- ☐ II. 195, 196, 368, 400, 440, 441-446, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820\*, 830\*, 840\*, 850, 890, 892-894, 895, 950. \*Also complete AO 120 or AO 121 for patent, trademark or copyright cases
- ☒ III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- ☐ IV. 220, 422, 423, 430, 460, 480, 490, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- ☐ V. 150, 152, 153.

05 - 30197 - MAP

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES ☐ NO ☒

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES ☐ NO ☒

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES ☐ NO ☒

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES ☒ NO ☒

7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES ☒ NO ☐A. If yes, in which division do all of the non-governmental parties reside?Eastern Division ☐ Central Division ☐ Western Division ☒

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division ☐ Central Division ☐ Western Division ☐

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES ☐ NO ☒

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Carey Bertrand, Wilson, Elser, Moskowitz, Edelman & DickerADDRESS 155 Federal St. Boston MA 02110TELEPHONE NO. 617-422-5300